

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE SHEET
METAL WORKERS' PENSION PLAN OF
SOUTHERN CALIFORNIA, ARIZONA AND
NEVADA; BOARD OF TRUSTEES OF THE
SHEET METAL WORKERS' HEALTH
PLAN OF SOUTHERN CALIFORNIA,
ARIZONA AND NEVADA; BOARD OF
TRUSTEES OF THE SOUTHERN
CALIFORNIA SHEET METAL JOINT
APPRENTICESHIP AND TRAINING
COMMITTEE; BOARD OF TRUSTEES OF
THE SHEET METAL WORKERS' LOCAL
105 RETIREE HEALTH PLAN; BOARD OF
TRUSTEES OF THE SOUTHERN
CALIFORNIA SHEET METAL WORKERS'
401(A) PLAN; SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION, LOCAL
UNION NO. 105 UNION DUES CHECK-OFF
AND DEFERRED SAVINGS FUND; BOARD
OF TRUSTEES OF THE SOUTHERN
CALIFORNIA LABOR MANAGEMENT
COOPERATION TRUST; BOARD OF
TRUSTEES OF THE SHEET METAL
INDUSTRY FUND OF LOS ANGELES,

Plaintiffs,

v.

AIR BALANCE ENERGY MANAGEMENT;
JEROME EDWARD ORTIZ; individual,

Defendants.

Case No. 8:17-cv-0349 JLS (Ex)

Hon. Josephine L. Staton

JUDGMENT

Pursuant to the Stipulation by and between Plaintiffs Board of Trustees of the Sheet Metal Workers' Pension Plan of Southern California, Arizona and Nevada ("Pension Plan"); Board of Trustees of the Sheet Metal Workers' Health Plan of Southern California, Arizona and Nevada ("Health Plan"); Board of Trustees of the Southern California Sheet Metal Joint Apprenticeship and Training Committee ("JATC"); Board of Trustees of the Sheet Metal Workers' Local 105 Retiree Health Plan ("Retirees Plan"); Board of Trustees of the Southern California Sheet Metal Workers' 401(a) Plan ("401(a) Plan"); Sheet Metal Workers' International Association, Local Union No. 105 Union Dues Check-Off and Deferred Savings Fund ("Dues and Savings Fund"); Board of Trustees of the Southern California Labor Management Cooperation Trust ("LMCT"); and Board of Trustees of the Sheet Metal Industry Fund of Los Angeles ("Industry Fund") (collectively the "Plans" or "Trust Funds"), and Defendants, JEROME EDWARD ORTIZ ("Individual Defendant"); and AIR BALANCE ENERGY MANAGEMENT ("Company") the Court has considered the matter fully and concluded that good cause exists to approve the parties' Stipulation in its entirety.

The Court therefore ENTERS JUDGMENT pursuant to Federal Rule of Civil Procedure 58(a) as follows: **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. The Company and Individual Defendant is indebted to the Plans in the total amount of \$46,873.03 as follows: contributions (including the "Savings Deferral" which are wages deducted from employee paychecks) in the amount of \$25,286.94 for the delinquent work months of October 2016, November 2016, and December 2016; \$6,057.39 in liquidated damages for late payment or nonpayment of contributions for the work months of October 2016, November 2016, and December 2016; \$3,028.70 in interest for late payment or nonpayment of contributions for the work months of October 2016, November 2016, and December 2016; attorney's fees in the amount of \$12,500.00.

2. Judgment is entered in favor of the Plans and against the Company and Individual Defendant, jointly and severally, in the amount of \$46,873.03 in delinquent

1 employee benefit plan contributions, accrued liquidated damages, interest, attorney fees
2 and costs, together with post-judgment interest thereon at the rate of 12% per annum as of
3 the date of the Judgment.

4 3. This Court retains jurisdiction over this matter through June 1, 2018 to
5 enforce the terms of any judgment entered hereunder, to order appropriate injunctive and
6 equitable relief, to make appropriate orders of contempt, and to increase the amount of
7 judgment based upon additional sums owed to the Plans by Defendants.

8 **IT IS SO ORDERED.**

9 Dated: March 27, 2017

A handwritten signature in black ink, appearing to read "Josephine L. Staton", written over a horizontal line.

11 Hon. Josephine L. Staton
12 United States District Judge
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